

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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BERNARD WEATHERSBEE	:	CASE NO. 1:20-cv-01423
	:	
Petitioner,	:	OPINION & ORDER
	:	[Resolving Doc. <a href="#">4</a> ]
vs.	:	
	:	
DAVID GRAY,	:	
	:	
Respondent.	:	
	:	

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On June 29, 2020, Petitioner Weathersbee petitioned for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.<sup>1</sup> On July 16, 2020, Weathersbee moved to transfer the case to the Southern District of Ohio.<sup>2</sup>

Petitioner Weathersbee says that his petition should be transferred because the jurisdiction in Southern District of Ohio is proper.<sup>3</sup> In support of transfer he cites 18 U.S.C. § 3237 and this Court's recent transfer order in *Jones v. Dewine*, a § 1983 case.<sup>4</sup> Neither the statute or the cited case concern jurisdiction over a state prisoner's habeas action, so neither is applicable here.

When a state prisoner files a habeas action under § 2254 in a state that has more than one federal district court, the district in which he is in custody and the district within which his state-court of conviction resides share concurrent jurisdiction.<sup>5</sup> Here, Petitioner

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 4.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.* (citing *Jones v. Dewine*, No. 5:20-cv-00981-JG (N.D. Ohio June 29, 2020), ECF No. 4).

<sup>5</sup> *Turner v. Miller*, No. 5:16 CV 425, 2016 WL 6496282, at \*2 (N.D. Ohio Oct. 4, 2016) (citing *Rumsfeld v.*

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was convicted in the Trumbull County Court of Common Pleas.<sup>6</sup> Trumbull County is within the Northern District of Ohio.<sup>7</sup> Therefore, the Northern District of Ohio may exercise jurisdiction over Weathersbee's habeas petition.

For the foregoing reasons, the Court **DENIES** Petitioner's motion to transfer.

IT IS SO ORDERED.

Dated: July 23, 2020

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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*Padilla*, 542 U.S. 426, 443, 447 (2004)).

<sup>6</sup> Doc. 1 at 1.

<sup>7</sup> See *Counties Served by Division*, United States District Court, Northern District of Ohio, <https://www.ohnd.uscourts.gov/counties-served-division> (last visited July 23, 2020).